IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH NAGPUR.

APPEAL AGAINST ORDER NO. 37 OF 2004

M/s Saibaba Gruha Nirman Sanstha
Kamptee, Distt. Nagpur, through its
Secretary Shri Haribhau Laxmanrao
Mahajan, aged about 60 years. APPELLANT.

VERSUS

1.Shyamlal Narayan Chowdhary
aged about 77 years.

2.Vijay s/o Shyamlal Chowdhary
aged about years.

3.Sher Singh s/o Shyamlal
Chowdhary, aged about years,
Occu. Business.

All resident of Bhedi Khana

Tah. Kamptee, Distt. Nagpur. RESPONDENTS.

Shri. S. S. Voditel, Counsel for the appellant.
Shri. S. S. Doifode, Counsel for the respondents.

CORAM: S. A. BOBDE J.
Date: 23rd JANUARY 2006.

ORAL JUDGMENT:

The only grievance raised by Mr. Voditel the learned counsel for the appellant is with reference to para 10 of the order of the trial Court in which the learned trial Court has observed as follows:

> "At this juncture it appears that the plaintiff has not converted these two acres land into non agricultural land so also he has not created layout in it."

According to Mr. Voditel the learned Advocate for the appellant this observation is contrary to the order for permission of use of the land for non agricultural purpose passed in Revenue Case No. 2/NGP-34/1989. This order primafacie shows that the land admeasuring 7 acres has been

permitted to be used for non agricultural purposes. That order is at Annexure IV to this petition. No other grievance is urged, hence the order is in favour of the appellant. In the circumstances, I consider it appropriate in the interest of justice to allow the appellant to move appropriate application to the trial Court for review as may be advised in accordance with law. Appeal disposed of with the above observations.

JUDGE

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